

REMARKS/ARGUMENTS

This amendment is submitted in response to the Office action mailed January 7, 2009. Claims 1, 10 and 21 have been amended. Claims 3-4, 16-20, 23-24, and 29-32 are cancelled. Claims 9-15 and 28 are withdrawn from consideration. Claims 33-40 are added. Accordingly, claims 1, 2, 5-8, 21, 22, 25-27 and 33-40 are presented for examination.

Claims 1, 7-8, 21, 27 and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Mehdiian (U.S. Patent No. 5,217,497). Claims 5 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehdiian (U.S. Patent No. 5,217,497) in view of Harms et al. (U.S. Patent No. 5,873,878). Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehdiian (U.S. Patent No. 5,217,497) in view of Hall (U.S. Patent No. 4,041,939). Claims 2, 22 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehdiian (U.S. Patent No. 5,217,497) in view of German Patent DE29810798.

Applicant respectfully traverses the rejections.

Claims 1 and 21 recite that the receiving part comprises "an undercut" and that the first internal thread extends "to the undercut." Mehdiian does not describe an undercut.

In the Office action, the Examiner provides a marked-up copy of Fig. 12 of Mehdiian and identifies an interior lower portion of a leg as a "farthest edge of undercut." The portion referred to by the Examiner, however, has the same inner diameter as the internal thread and therefore does not form an "undercut" and does not depict an internal thread "extending to the undercut," as recited in claims 1 and 21.

To make explicit what was implicit in the claims, applicant has amended claims 1 and 21 to further recite an undercut "on an inner surface of the legs adjacent to the internal thread, the undercut extends in a circumferential direction." Support for this recitation is found in paragraph [0020], lines 5-8, of the published application. Because Mehdiian fails to describe an undercut, claims 1 and 21 are believed to be patentable.

The remaining elected claims depend from one of claims 1 and 21. Because these claims depend from one of claims 1 and 21 and because they contain additional limitations further

Appln No. 10/799,143
Amdt date June 8, 2009
Reply to Office action of January 7, 2009


distinguishing these claims from the cited art when considered as a whole, these claims are also believed to be patentable.

In particular, claims 2 and 22 recite that the undercut has a depth that corresponds at least to a depth of the first internal thread. The Examiner states that it would have been obvious to one skilled in the art at the time the invention was made to make the device of Mehdiian with the undercut having a depth that corresponds at least to the depth of the thread in view of DE29810798. Applicant respectfully submits, however, that because Mehdiian does not describe an undercut at all, a person skilled in the art would not make the combination suggested by the Examiner.

Dependent claims 33 and 34 have been added and recite the additional feature that "an entire length of the securing element in the axial direction is equal to or less than the predetermined distance (A)." Dependent claims 37 and 38 have been added and recite the similar additional feature that "the securing element fixes the rod in the receiving part without protruding outward beyond the exterior end surface of the receiving part." Mehdiian does not show these features. Such features permit the overall height of the anchoring element to be reduced as compared to conventional anchoring elements. See paragraph [0022], lines 8-21, of the published application. For this additional reason, claims 33-40 are believed to be patentable over the cited art.

In view of the above, applicant respectfully requests reconsideration of the application and the allowance of claims 1, 2, 5-8, 21, 22, 25-27 and 33-40.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
Mark Garscia
Reg. No. 31,953
626/795-9900

MEG/cks
CKS PAS853163 1-*06/8/09 4:56 PM